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23900	7590	02/01/2010	EXAMINER	
J C PATENTS			PIZIALI, JEFFREY J	
4 VENTURE, SUITE 250			ART UNIT	
IRVINE, CA 92618			PAPER NUMBER	
			2629	
			NOTIFICATION DATE	
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			02/01/2010	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/640,349

Examiner

JEFF PIZALI

Applicant(s)

SHIUAN ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 04 November 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Jeff Pizali/
Primary Examiner, Art Unit 2629

Continuation of 3(c) Other:

The Applicant is thanked for the Amendment filed on 4 November 2009. However, a non-compliant matter has been discovered in the aforementioned response, requiring attention before examination may continue.

37 C.F.R. § 1.121(d) requires, "One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled 'Replacement Sheet.' Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as 'New Sheet.' All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper."

The 4 November 2009 Amendment improperly removes reference numerals (32, 33, 35-37, 39, 40, 42, 43, 45, 50) from the replacement sheets for Figures 3 and 4, without explaining all such changes, in detail, in either the drawing amendment or remarks section of the amendment paper.

Please note: The 4 November 2009 Amendment appears to be attempting to detail drawing changes relative to the 4 August 2008 drawings. However, the 4 August 2008 drawings were objected to in the 16 March 2009 Office action. Therefore, the 4 August 2008 drawings were/are not entered.

Future replacement drawings should be made relative to the 4 April 2007 drawings (which were accepted via the 27 May 2008 Office action).

The Applicant is respectfully encouraged to explain, in detail, in either the drawing amendment or remarks section of the amendment paper all changes to the drawings (relative to the 4 April 2007 drawings), as required by 37 C.F.R. § 1.121..

Continuation of 4(e) Other:

37 C.F.R. § 1.121(c)(2) requires, "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of 'currently amended,' and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of 'currently amended,' or 'withdrawn' if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as 'withdrawn-currently amended.'"

The 4 November 2009 Amendment improperly underlines a preexisting period punctuation mark in claim 2, line 1 (between "claim 1" and "further comprising").

The 4 November 2009 Amendment improperly underlines double-brackets in claim 2, line 2. Double-brackets should not be underlined.

The Applicant is respectfully requested to use the appropriate markings to indicate any changes that have been made relative to the immediate prior version of the claims, as required by 37 C.F.R. § 1.121.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
25 January 2010